

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>LEVINE HAT CO., on behalf of itself and all other similarly situated,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 4:16-cv-01132 SNLJ</b>
	)	
<b>INNATE INTELLIGENCE, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This Court recently granted summary judgment to plaintiff against defendant ProFax and the two other defendants, Nepute Enterprises and Innate Intelligence. As part of that ruling, this Court denied in part and held in abeyance ProFax's motion to decertify. This Court requested additional briefing on certification issues, but ProFax filed for bankruptcy and the matter has thus been stayed as to ProFax, pursuant to 11 U.S.C. § 362. Only plaintiff filed the additional briefing.

On September 1, 2021, this Court ordered plaintiff and defendants Nepute and Innate to file a status report as to the status of the case with respect to defendants Nepute and Innate by September 11, 2021. Only plaintiff responded, explaining that the outstanding issue of the class size would affect the amount of the judgment and it was filing a motion to lift the stay over ProFax in the bankruptcy action.

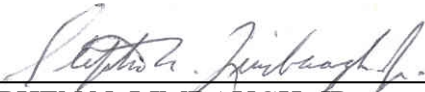
In view of plaintiff's briefing on the matter of class size and the fact that defendant ProFax has not, but could later, litigate the matter of the class size, this Court is unwilling

to enter judgment against defendants Nepute and Innate. Such circumstances could give rise to inconsistent judgments against Nepute and Innate on the one hand and ProFax on the other hand.

As a result, this Court will stay the matter as to all defendants. It appears that plaintiff is moving to lift the stay over ProFax in the bankruptcy action. Plaintiff should provide the Court with an update as to those matters in 60 days.

IT IS SO ORDERED.

Dated this 14th day of September, 2021.

  
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STEPHEN N. LIMBAUGH, JR.  
SENIOR UNITED STATES DISTRICT JUDGE